



April 16, 2015

**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

Shelley Vana, Mayor
Mary Lou Berger, Vice Mayor
Hal R. Valeche
Paulette Burdick
Steven L. Abrams
Melissa McKinlay
Priscilla A. Taylor

County Administrator

Robert Weisman

Mr. Wesley Blackman, AICP, Chairman, and
Members of the Land Development Regulation Advisory Board (LDRAB)
241 Columbia Drive
Lake Worth, FL 33460

RE: April 22, 2015 LDRAB Meeting

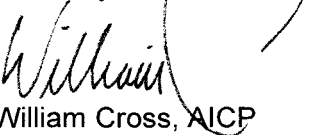
Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB hearing on Wednesday, April 22, 2015.

The meeting will commence at **2:00 p.m.** in the Vista Center 1st Floor Kenneth S. Rogers Hearing Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions or require additional information, please contact me at (561) 233-5206 or via email at WCross@pbcgov.org, or Monica Cantor, Senior Site Planner at (561) 233-5205, or via email at MCantor@pbcgov.org.

Sincerely,


William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: April 22, 2015 LDRAB Agenda and Supporting Materials

- c: Verdenia C. Baker, Deputy County Administrator
- Rebecca D. Caldwell, Executive Director, PZB
- Lorenzo Aghemo, Planning Director
- Robert P. Banks, Chief Land Use County Attorney
- Leonard W. Berger, Chief Assistant County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Chief Planner, Zoning
- Monica Cantor, Senior Site Planner, Zoning

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PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

APRIL 22, 2015

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Michael J. Peragine (District 1)

Barbara Katz (District 3)

James Knight (District 4)

Lori Vinikoor (District 5)

Vacant (District 6)

Henry D. Studstill, (District 7)

Daniel J. Walesky (Gold Coast Builders Assoc.)

Joni Brinkman (Palm Beach League of Cities)

Terrence N. Bailey (Florida Engineering Society)

Jerome I. Baumoehl (American Institute of Architects)

Tommy B. Strowd (Environmental Organization)

Frank Gulisano (Realtor's Assoc. of the Palm Beaches)

Gary Rayman (Fl. Surveying and Mapping Society)

Vacant (Association Gen. Cont. of America)

James M. Brake (Member at Large/Alternate)

Leo Plevy (Member at Large/Alternate)

Board of County Commissioners

Shelley Vana, Mayor, District 3

Mary Lou Berger, Vice Mayor, District 5

Hal R. Valeche
Commissioner, District 1

Paulette Burdick
Commissioner, District 2

Steven L. Abrams,
Commissioner, District 4

Melissa McKinlay
Commissioner, District 6

Priscilla A. Taylor
Commissioner, District 7

Robert Weisman
County Administrator



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2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200



LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

WEDNESDAY, APRIL 22, 2015 AGENDA

2300 NORTH JOG ROAD

1ST FLOOR KENNETH S. ROGERS HEARING ROOM (VC-1W-47), 2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of March 25, 2015 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B – MUPD Thresholds
2. Exhibit C – Art. 2.A.1.J, Notification
3. Exhibit D – Loading Area Screening
4. Exhibit E – Recreation Buffers within Planned Development Districts (PDDs) and Subdivisions

C. PUBLIC COMMENTS

D. STAFF COMMENTS

E. ADJOURN

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

Minutes of March 25, 2015 Meeting

On Wednesday, March 25, 2015 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Vice chair David Carpenter called the meeting to order at 2:04 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 11

David Carpenter (District 2)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Henry Studstill (District 7)
Daniel J. Walesky (Gold Coast Build. Assoc.)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society) *
Tommy B. Strowd (Environmental Org.)
Gary Rayman (Fl. Surveying & Mapping Soc.)
Leo Plevy (Member at Large, Alt.)

Vacancies: 2

(District 6)
(Assoc. General Contractors of America)

Members Absent: 5

Wesley Blackman (PBC Planning Congress)
Michael J. Peragine (District 1)
Jerome Baumoehl (AIA)
Frank Gulisano (PBC Board of Realtors)
James Brake (Member At Large, Alt.)

County Staff Present:

Lenny Berger, Chief Assistant County Attorney
Joanne Keller, P.E., Director, Land Development
Bryan Davis, Principal Planner, Planning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Lauren Dennis, Site Planner II, Zoning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Carpenter noted the distribution of an amendment to the agenda handout and requested that it be included in the motion to adopt the agenda.

3. Motion to Adopt Agenda

Motion to adopt agenda with the changes in the amendments to the agenda to include Outdoor Runs for Veterinary Clinic by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (10 - 0)*.

4. Annual Election of Chair and Vice-Chair

Motion to re-elect Wes Blackman as Chair, in absentia, by Ms. Vinikoor, seconded by Mr. Knight. Motion passed (10 - 0)*. Motion by Ms. Vinikoor to re-elect David Carpenter as Vice-Chair seconded by Mr. Knight. Motion passed (10 - 0)*.

5. Adoption of November 12, 2014 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Mr. Studstill. Motion passed (10-0)*.

* Terrence Bailey arrived at 2:15 p.m.

B. ANNUAL ORGANIZATION DISCUSSION

Ms. Cantor introduced the two new LDRAB Members (Mr. Walesky and Mr. Strowd) and provided a brief overview on the following:

- Internet links to LDRAB/LDRC rules and regulations applicable to members;
- 2014 LDRAB members attendance report;
- Summary of ULDC amendments adopted in Rounds 2014-01 and 2014-02;
- Current LDRAB members list and schedule of 2015 LDRAB meeting dates;
- Zoning Director's memo on deadlines for agencies and privately initiated amendments;
- Proposed amendments for Round 2015-01, including the addition of two amendments: minimum Multiple Use Planned Development (MUPD) thresholds; and, covered loading zones associated with single uses in excess of 50,000 square feet; and,
- Update on active subcommittees, including the ongoing Use Regulations Project (URP) and Landscape Subcommittees. Ms. Cantor requested if there were any additional members to volunteer. Barbara Katz and Lori Vinikoor volunteered to be part of the URP subcommittee.

Motion by Mr. Rayman, seconded by Mr. Knight to appoint Ms. Katz. The motion passed (11 - 0). Motion by Mr. Knight, seconded by Mr. Studstill to appoint Ms. Vinikoor to the URP Subcommittee. The motion passed (11 - 0)

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

Minutes of March 25, 2015 Meeting

C. ULDC AMENDMENTS

1. Exhibit B – Zero Lot Line Home Fences and Walls

Mr. Cross explained the amendment allows Zero Lot Line (ZLL) property owners to install a fence with a gate within the ZLL maintenance and Roof Overhang Easement with approval from the homeowners association (HOA).

Ms. Vinikoor requested staff to use the term Property Owners Association (POA) in case there is no HOA for the community. Mr. Cross affirmed the change would be incorporated pending confirmation that such was consistent with ULDC standards for associations. Additionally, Mr. Berger advised the need to change the reference in the exhibit on Line 34 from Art. 3.D.2.C.9.c.1 to Art. 3.D.2.C.9.c, Maintenance and Roof Overhang Easement.

Motion to adopt including the modification to POA by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (11 – 0).

Editors Note: Staff confirmed that the ULDC utilizes the POA term for legal documents, per Art. 5.F.1.F.1, Property Owners Association (POA) Documents.

2. Exhibit C – Type II Kennel, Standards for Outdoor Runs

Mr. Cross presented the amendments to Type II Kennels. He indicated that fencing screening with opaque hedges is only required when outdoor runs are visible from adjacent properties or Right-of-Way, and updates to the sanitary requirements were made for consistency with current standards adopted for Type III Kennels.

Mr. Cross explained that the amendments to the agenda includes similar updates for Veterinary Clinic.

Mr. Cross indicated that even though Mr. Baumoehl was not present at the meeting, he requested that concerns regarding the minimum six-foot high fence be communicated to the LDRAB. Mr. Baumoehl indicated that in his experience in the design of this type of facilities, veterinary doctors have indicated that with sufficient running distance, there are some dogs that can jump a six-foot high fence. No further discussion took place on this specific topic.

Motion to adopt by Mr. Bailey, seconded by Ms. Katz. Motion passed (11 – 0).

D. PUBLIC COMMENTS

There were no public comments.

E. STAFF COMMENTS

There were no staff comments.

F. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2:45 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5213.

Minutes drafted by: Lauren Dennis

EXHIBIT B

MUPD THRESHOLDS SUMMARY OF AMENDMENTS

(Updated 4/16/15)

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Part 1. ULDC Art. 3.E.3, Multiple Use Planned Development (MUPD) (pages 176-177 of 234), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Expand options available to developers of commercial or mixed-use projects by deleting the minimum square footage thresholds required for use of the Multiple Use Planned Development District (MUPD) and Mixed Use Planned Development (MXPD). Zoning staff support options for property owners on how their property is developed. Background and Summary: <ul style="list-style-type: none">▪ The deleted square footage thresholds are generally redundant to Table 4.A.4.A, Thresholds for Projects Requiring BCC Approval, thus rendering them meaningless. Prior to 2003, the square footage thresholds for applicants that “wanted to” rezone to an MUPD or MXPD were slightly less than those that mandated a project “had to be” an MUPD or MXPD. In 2003, the minimum square footage threshold was deleted; however, it was inadvertently re-established as part of an amendment in 2006, in which industry requested that the BCC reinstate the lesser pre-2003 thresholds for residential developments (e.g. Planned Unit Developments [PUD]). The proposed amendment is consistent with the 2006 BCC direction regarding PUDs, while allowing additional industry flexibility for certain types of commercial developments.▪ Use of the MUPD or MXPD Zoning districts would still require compliance with the minimum lot size (i.e. between 3 and 5 acres). However, use of these optional Zoning districts in lieu of rezoning to a standard district (e.g. General Commercial [CG]), is often beneficial, for reasons including but not limited to: reduces need to subdivide larger parcels, thus reducing vehicular access points to abutting roadways, while encouraging desirable design objectives, including unified architectural design and signage, enhanced landscaping, interconnectivity between uses, and protection of adjacent residential uses.
2. Update the MUPD PDR Table to be consistent with other Zoning PDR tables by clarifying that certain PDRs are the minimum required, and clarify applicability of non-residential properties to exclude those supporting residential uses.

5 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

6 **Section 3 Multiple Use Planned Development (MUPD)**

7

8 **C. Thresholds**

9 Projects that meet or exceed the ~~square footage threshold indicated in Table 3.E.3.C, MUPD~~
10 ~~Thresholds or the~~ requirements of Table 3.E.3.D, MUPD Property Development Regulations, in
11 addition to all other minimum MUPD requirements, may be submitted and reviewed as a MUPD.
12 **[Ord. 2006-004] [Ord. 2007-013]**

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Table 3.E.3.C – MUPD Thresholds

FLU	CL	CH	CLO	CHO	IND	EDC (1)	CR	INST
Square Feet	30,000	50,000	30,000	50,000	100,000	50,000	100,000	50,000
[Ord. 2014-025]								
Notes:								
1.	Minimum square footage may be reduced if a lower square footage is approved as part of a FLUA amendment.							

14

15 **1. Underlying Land Use**

16 A MUPD with an underlying nonresidential FLU designation may utilize either land use, or a
17 combination of land uses, to satisfy the requirements of Table 3.E.3.D, MUPD Property
18 Development Regulations. Uses allowed shall correspond to the FLU designation in Table
19 3.E.1.B, PDD Use Matrix.

20 **D. Property Development Regulations**

21 The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum
22 setbacks in the MUPD district are indicated in Table 3.E.3.D, MUPD Property Development
23 Regulations, unless otherwise stated.

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Notes:

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EXHIBIT B

**MUPD THRESHOLDS
SUMMARY OF AMENDMENTS
(Updated 4/16/15)**

1

Table 3.E.3.D - MUPD Property Development Regulations

FLU Designations	Minimum Lot Dimensions			Max. FAR (2)	Max. Bldg. Coverage	Minimum Setbacks (1)			
	Size	Width & Frontage	Depth			Front	Side	Side Street	Rear
CL	3 ac	200	200	-	25 percent	25	C-15 R-30	25	C-20 R-30
CH	5 ac	300	300	-	30 percent	30	C-15 R-30	30	C-20 R-30
CLO	3 ac	200	250	-	25 percent	25	C-15 R-30	25	C-20 R-30
CHO	5 ac	200	200	-	25 percent	30	C-15 R-30	30	C-20 R-30
IND	5 ac	300	300	-	45 percent	30	C-15 R-40	30	C-20 R-40
EDC	5 ac	300	300	-	45 percent	30	C-15 R-40	30	C-20 R-40
CR	5 ac	300	300	-	30 percent	30	C-15 R-40	30	C-20 R-40
INST	5 ac	300	300	-	30 percent	30	C-15 R-30	30	C-20 R-30

[Ord. 2007-001] [Ord. 2014-025]

Notes:

C Indicates the building setback if the lot abuts a parcel with a non-residentially zoned zoning district or FLU designation, that does not support a residential use designated lot.

R Indicates the setback from an adjacent parcel with a residential zoning designation.

1. Setbacks are measured in linear feet from the boundary of the MUPD.

2. The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted.

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....

Section 4 Mixed Use Planned Development (MXPD)

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....

C. Thresholds

4. Thresholds

Projects that meet or exceed the ~~square footage thresholds indicated in Table 3.E.4.C, MXPD Thresholds or the~~ requirements of Table 3.E.3.D, MXPD Property Development Regulations, in addition to all other minimum MXPD requirements, may be submitted and reviewed as an MXPD. [Ord. 2006-004] [Ord. 2007-013]

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~~Table 3.E.4.C - MXPD Thresholds~~

	CL	CH	CLO	CHO
Square Feet	30,000	50,000	30,000	50,000

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12. Land Use Mix

Table 3.E.4.C, MXPD, Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in an MXPD.

Table 3.E.4.C - MXPD Land Use Mix

Use Type	Minimum	Maximum
Residential	50 %	75 %
Nonresidential	25 %	50 %

Notes:

1. Minimum and maximum land use percentages for residential and commercial uses are calculated by dividing the total GFA of the specific land use type (either residential or non-residential) by the total GFA (residential and non-residential) of the MXPD.

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23. Density

The maximum density for an MXPD shall be as indicated by the FLU in the Plan. In cases where an underlying residential density is not indicated, the Planning Director shall assign a density based on the residential densities surrounding the proposed MXPD.

D. Property Development Regulations (PDRs)

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in an MXPD are indicated in Table 3.E.4.D, MXPD Property Development Regulations unless otherwise stated.

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EXHIBIT B

MUPD THRESHOLDS SUMMARY OF AMENDMENTS (Updated 4/16/15)

1

Table 3.E.4.D - MXPDP Property Development Regulations

FLU	<u>Minimum</u> Lot Dimensions			<u>Max.</u> FAR (1)	<u>Max. imum</u> Bldg. Building Coverage	<u>Minimum</u> Setbacks			
	Acres	Width	Depth			Front	Side	Side Street	Rear
CL	3	200	200		30%	25	C-15 R-40	25	C-20 R-40
CH	5	300	300		40%	25	C-15 R-40	25	C-20 R-40
CLO	3	200	200		30%	25	C-15 R-40	25	C-20 R-40
CHO	5	300	300		40%	25	C-15 R-40	25	C-20 R-40
RESIDENTIAL	Apply RM district regulations								
RECREATION POD	Apply PUD Recreation Pod regulations								
NEIGHBORHOOD PARK	Apply PUD Neighborhood Park regulations								
[Ord. 2007-001]									
Notes:									
C	Indicates the setback from an adjacent commercial-zoned parcel <u>with a non-residential zoning district or FLU designation, that does not support a residential use.</u>								
R	Indicates the setback from an adjacent parcel/with residential <u>zoning-zoned-parcel.</u>								
1.	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]								

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EXHIBIT C

ART. 2.A.1.J, NOTIFICATION SUMMARY OF AMENDMENTS

(Updated 4/16/15)

Part 1. ULDC Art. 2.A.1.J, Notification (page 18 of 87), is hereby amended as follows:

Reason for amendments: [Zoning/County Attorney] Update Public Hearing notification requirements to codify current practice of requiring newspaper publication for Development Order Abandonments (ABN) and corrective resolutions. All zoning resolutions adopted by the Zoning Commission and the Board of County Commissioners are required to be legally noticed per F.S. 125.66(2).

CHAPTER A GENERAL

Section 1 Applicability

J. Notification

1. Applicability

Applications subject to Public Hearing or Type 1B Variance processes, and corrective resolutions, shall require notification to the public, in accordance with the following table as follows: [Ord. 2011-016]

Table 2.A.1.J – Notification Applicability

Process	Newspaper Publication	Courtesy Notice	Signs
<u>Development Order Abandonment (ABN) (1)</u>	<u>Yes</u>	<u>N/A</u>	<u>N/A</u>
<u>Corrective Resolution</u>	<u>Yes</u>	<u>N/A</u>	<u>N/A</u>
<u>Type 1B Variance</u>	<u>N/A (2)</u>	<u>Yes</u>	<u>Yes</u>
<u>Type II Variance</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Other Public Hearing (Rezoning, CA, CB, Requested Use, DOA, Unique Structure, Waiver)</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
[Ord. 2015-]			
Notes:			
1. <u>Applies to Administrative and Public Hearing Abandonments, excluding: Development Orders advertised and abandoned simultaneously as part of a subsequent Development Order; and, Development Orders advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring.</u>			
2. <u>Reasonable notice shall be required in compliance with F.S. 286.011.</u>			

24. Newspaper Publication

Notice shall be published in a newspaper of general circulation in PBC in accordance with F.S. §125.66 ~~and Chapter 163.~~ ~~Type 1B Variance shall be exempt from this requirement.~~ [Ord. 2011-016]

32. Courtesy Notice

a. Applicability and Mailing Boundary

Courtesy notices shall be mailed to all property owners, interested parties or other entities identified in Table 2.A.1.J, Courtesy Property Notice Requirements. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2011-016]

Table 2.A.1.J - Courtesy Property Notice Requirements

Process	Recipients and Boundaries		
	Certified Mail 0 to 300 feet (1)	Regular Mail 301 to 500 feet (1)	Regular Mail within One Mile (1)
<u>Type 1B Variance</u>	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	NA	Counties and Municipalities (4)
<u>Type II Variance</u>		NA	
<u>Other Public Hearing (Rezoning, CA, CB, Requested Use, DOA, Unique Structure, Waiver)</u>		All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	
[Ord. 2011-016] [Ord. 2012-003]			
Notes:			
....			

b. Notice Content

Courtesy notices shall include the following information: [Ord. 2011-016]

- 1) A general summary of the application; [Ord. 2011-016]
- 2) A date, time and place for the Public Hearing(s); [Ord. 2011-016]
- 3) A general location map of the subject property; and, [Ord. 2011-016]
- 4) A statement indicating that interested parties may appear at the Public Hearing and be heard regarding the request. [Ord. 2011-016]

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EXHIBIT C

ART. 2.A.1.J, NOTIFICATION SUMMARY OF AMENDMENTS

(Updated 4/16/15)

1 c. **Failure to Receive Courtesy Notice**

2 Failure to receive a notice shall not be deemed a failure to comply with Art. 2.A.1.J,
3 Notification, this requirement or be grounds to challenge the validity of any decision made
4 by the approving authority. [Ord. 2011-016]

5 **43. Signs**

6 a. The property subject of the application shall have notices posted by the applicant with
7 information of the public hearing on a sign provided by the PBC at least 15 days in
8 advance of any public hearing. One sign shall be posted for each 250 feet of frontage
9 along a street up to a maximum of ten signs. All signs shall be: [Ord. 2010-022] [Ord.
10 2011-016] [Ord. 2012-003]

11 1) Evenly spaced along the street when more than one sign per property is required;
12 [Ord. 2011-016] [Ord. 2012-003]

13 2) Setback no more than 25 feet from the property line; and, [Ord. 2011-016]

14 3) Erected in full view of the public. [Ord. 2011-016]

15 Where the property does not have sufficient frontage on a street, signs shall be in a
16 location acceptable to the Zoning Director. The applicant shall submit photographs
17 confirming the signs have been posted. The failure of any such posted notice to remain
18 in place after it has been posted shall not be deemed a failure to comply with Art. 2.A.1.J,
19 Notification this requirement or be grounds to challenge the validity of any decision made
20 by the approving authority. The applicant shall also be required to ensure the signs have
21 been removed no later than five days after the final hearing. [Ord. 2010-022] [Ord.
22 2011-016]

23 b. **Exceptions**

24 Signs posted by a public agency or the BCC may be posted on the nearest street or at
25 major intersections leading to and within the subject property.

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EXHIBIT D

LOADING AREA SCREENING SUMMARY OF AMENDMENTS

(Updated 4/16/15)

Part 1. ULDC Art. 6.B.1.F, Screening (page 34 of 39), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Delete requirement for covered loading areas, which has a minimal at best impact on mitigating visual appearance or potential nuisances to adjacent properties or R-O-W. Noting that the standard for screening was originally only applicable when two or more loading spaces (e.g. definition of loading area) were located within 100 feet of a parcel with a residential future land use designation, zoning district or use, which was inadvertently omitted in a 2008 amendment [Round 2008-01, Ord. 2008-037].
2. Allow for use of a Type II Waiver to allow for increase in minimum wall height or use of landscape screening within a residential incompatibility buffer where necessary to provide screening higher than the required eight-foot wall. A wall within a non-residential perimeter landscape buffer is limited to a maximum of eight feet in height, which may conflict with loading area screening requirements if greater than eight feet, and use of a berm isn't feasible or sufficient to meet required screening. While a Type II Variance is still an option, not all projects may be able to prove a hardship necessary to obtain Variance approval.
3. Simplify exemptions for consistency with format and construction of other similar exemptions within the ULDC.

CHAPTER B LOADING STANDARDS

Section 1 Loading

F. Screening

1. Bay Doors

Bay doors shall be located and oriented away from residential property lines or setback a minimum of 50 feet and screened from view.

2. Loading Areas

Loading areas, which may include loading spaces, docks and associated maneuvering areas, that are within 100 feet of a parcel with a residential FLU designation, zoning district or use; or visible from a street R-O-W, shall comply with the following: [Ord. 2008-037]

~~a. within 100 feet of a parcel with a residential FLU, zoning district or use; or [Ord. 2008-037]~~

~~b. visible from a street R-O-W.~~

a. shall be screened by an opaque wall barrier of a height necessary to screen vehicles from view, to include a wall a minimum of eight feet in height, that is architecturally compatible with the adjacent structure, unless exempted pursuant to Art. 6.B.1.F.4 below. The wall shall be of a height necessary to screen vehicles from view. Where applicable, screening required in addition to the eight foot wall shall be as follows:

1) unless located within a residential incompatibility buffer: a taller wall, installation of the wall on a berm, or opaque landscape material; or,

2) if located within an incompatibility buffer: installation of the wall on a berm, or approval of a Type II Waiver to either increase the height of the wall above eight feet, or allow for use of opaque landscape screening.

b. foundation Foundation planting shall be provided on the exterior side of the wall, unless located within a perimeter landscape buffer. [Ord. 2008-037]

3. Single Tenant

~~Single tenant users over 50,000 square feet in a PDD or TDD shall provide a roof over loading areas in addition to the requirements pursuant to Art. 6.B.1.F.2. [Ord. 2008-037]~~

c.4. Exemptions

Loading area screening is not required if any of the following standards are satisfied The BCC, ZC DRO may exempt loading areas from screening requirements as listed below, provided the applicant demonstrates compliance with Art. 6.A.1.A, Purpose and Intent:

1) a. the loading area is obstructed from view by an existing landscape buffer; a preserve or a structure; [Ord. 2008-037]

2) b. a structure or tenant consisting of 10,000 square feet or less; [Ord. 2008-037]

3) c. a single loading space; or [Ord. 2008-037]

4) d. the WCRAO Executive Director may exempt a loading space from screening requirements for parcels located in the WCRAO, pursuant to Art. 3.B.14.I.2. [Ord. 2008-037]

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Notes:

Underlined indicates **new** text.

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.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT D

LOADING AREA SCREENING
SUMMARY OF AMENDMENTS

(Updated 4/16/15)

1
2 Part 2. ULDC Table 2.B.2.G, Summary of Type II Waivers (page 28 of 87), is hereby amended
3 as follows:
4

5 Reason for amendments: [Zoning]

Table 2.B.2.G - Summary of Type II Waivers

Type II Waiver Summary List
GAO Minimum Density Requirements
Urban Redevelopment Area
PDD Frontage
PDD Cul-de-sacs
AGR TMD Parking Structure
AGR TMD Block Structure
Communication Towers
Large Scale Commercial Development Location of Front Side and Rear Parking
<u>Loading Area Screening within a residential incompatibility buffer</u>
[Ord. 2012-027]

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EXHIBIT E

RECREATION BUFFERS WITHIN PLANNED DEVELOPMENT DISTRICTS (PDDs) AND SUBDIVISIONS SUMMARY OF AMENDMENTS

(Updated 4/14/15)

1
2 **Part 1. ULDC Art. 7.F.9.E, Special Standards (pages 39-40 of 50), is hereby amended as**
3 **follows:**
4

Reason for amendments: [Zoning]
1. Delete redundant reference to requirement for installation of incompatibility buffer which is determined in Table 7.F.9.B, Required Incompatibility Buffer Types, and rename to Type I Waiver accordingly.
2. Expand standards for existing Type I Waiver (administrative process) to allow relief from Incompatibility Buffers typically required in-between residential and recreational uses, in instances where a development is designed to integrate residential and recreational uses. Typical examples include where multi-family units are intended to be poolside, and the pool is within a recreational Pod, tract or area. As outlined in a 2013 Zoning Division Policy and Procedures Manual (PPM) # ZO-O-058, unless there was an open space amenity a minimum of 100 feet in width in-between uses, deletion of the Incompatibility Buffer would require approval of a Type II Variance (i.e. a Public Hearing). This amendment will supersede the PPM, streamline the approval process, and reduce cost and staff time. Note that reference to Planned Unit Development (PUD) may apply to other PDDs (i.e. a Planned Industrial Park Development (PIPD) may have residential, recreational and civic Pods, subject to the standards outlined under PUDs).

5 **CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS**

6 **Section 9 Incompatibility Buffer**

7 **E. Type I Waiver Special Standards**

8 ~~The DRO shall require the installation of incompatibility buffers for uses such as recreation and~~
9 ~~civic pods, areas, or tracts within a residential subdivision or PUD.~~ The applicant may apply for a
10 Type I Waiver, pursuant to Article 2.D.6, to be relieved of the requirement to install the
11 incompatibility buffer for pods, ~~areas or tracts within a residential subdivision or PUD that meet~~
12 ~~one of the following: adjacent to open space that is 100 feet or greater in width.~~ **[Ord.2005-002]**
13 **[Ord. 2012-027] [Ord. 2014-025]**

- 14 1. Adjacent to open space that is 100 feet or greater in width or greater, or
- 15 2. Demonstration that the site layout will integrate recreational amenities with multi-family units.

16
17
18 **Part 2. ULDC Table 2.B.6.D, Summary of Type I Waivers (page 46 of 87), is hereby amended as**
19 **follows:**
20

Reason for amendments: [Zoning] Update Type I Waiver list to recognize existing reference cited under Art. 7.F.9, Incompatibility Buffer.
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Table 2.D.6.B - Summary of Type I Waivers

Type I Waiver Summary List
Glades Area Overlay (GAO)
Infill Redevelopment Overlay (IRO)
Urban Redevelopment Overlay (URAO)
Lifestyle Commercial Center (LCC)
Required Parking for Location Criteria Exception in Type I Restaurant with Drive Through
Commercial Greenhouse Loading Zones
Solid Waste Transfer Station Landscape Buffer Planting
Screening for Room Mounted Mechanical Equipment
Green Architecture
Eliminate or Reduce Loading Standards
Requirements for Walls or Fences Where Adjacent to Existing Walls
Incompatibility Buffers for Recreation or Civic Pods, Areas or Tracts
Billboard Replacement – Billboard Location Criteria
[Ord. 2012-027] [Ord. 2014-025]

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30 U:\Zoning\CODEREV\2015\LDRAB\Meetings\4-22-15\4- Final Packet\Exh. E - Recreation Buffers within Planned Developments
31 Districts (PDDs) and Subdivisions.docx

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